

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 298

CASE NO. 79-7

November 8, 1979

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on August 27, 1979. At this hearing session the Zoning Commission considered an application from the District of Columbia Department of Housing and Community Development (DHCD) to amend the D.C. Zoning Map.

FINDINGS OF FACT

1. The application requests a change of zoning from R-5-C to SP-2 for lots 23,24,25,39,814 thru 819,830,831,821,822,823, and 835 in Square 281.
2. The site is currently vacant and is located in the Shaw School Urban Renewal Area. It is identified as Parcel 10 located at the southwest corner of the intersection of 12th and N Streets, N.W. The total area of the site is approximately 41,500 square feet.
3. The subject site is located at the northeast corner of Square 281 bounded by M, N, 12th and 13th Streets, N.W. This square is developed with two ten-story residential buildings, one on 12th Street and the other on M Street, and two eight-story residential buildings. There is also a four-story vacant residential building adjacent to the site on N Street. The remaining portion of Square 281 is devoted to parking.
4. The applicant proposes to develop the site with a high-rise elevator apartment building containing 119 units with a total of 167 bedrooms. This would result in a density of 125 dwelling units and 175 bedrooms per acre. The proposed development will have a Floor Area Ratio slightly below 3.5, a lot occupancy of seventy-five percent, and 130 parking spaces in an underground garage at a rate of 1.2 spaces for each residential unit. The height of the building will be seventy-five feet in eight stories. There are proposed to be recreational facilities located on the roof, to include a lounge exercise room, shower, and sauna facility. The proposed building will provide market rate housing.

5. The existing R-5-C zoning on the site permits all kinds of residential uses as a matter of right and commercial adjuncts with Board of Zoning Adjustment approval. The R-5-C zone has a maximum floor area ratio of 3.5, a ninety foot height limit, and seventy-five percent lot occupancy. One parking space is required for each three dwelling units.

6. The proposed SP-2 zoning on the site will allow residential uses as a matter of right up to 6.0 FAR and office uses for professional and non-profit organizations with BZA approval up to 3.5 FAR. The SP-2 zoning allows a height up to ninety feet with a maximum lot occupancy of eighty percent for residential uses. A minimum residential recreational area equal to ten percent of the gross floor area devoted to residential uses must also be provided. The SP-2 zoning on the site will require one parking space for each three dwelling units and one parking space for each 1,800 square feet of office space in excess of 2000 square feet.

7. The controls of the Urban Renewal Plan impose more restrictive requirements than the regulations under the requested SP-2 zoning with respect to floor area ratio (3.5 under the Plan as compared to 6.0 in the SP-2 District), lot occupancy (seventy-five percent under the Plan compared to eighty percent under the SP-2 District), and parking (one space for each three units under the Plan compared with one space for each four units under the SP-2 District). The Plan requirement of eighty square feet of play and open space for each dwelling unit results in a minimum requirement of 9,520 square feet. The SP-2 District, however, requires that ten percent of the building's gross floor area devoted to residential uses be provided as residential recreation space for the use of the residents of the building. Based on the current proposal, this would amount to about 15,000 square feet, which is more than required by the Renewal Plan but less than the amount of open space provided on the site. To achieve this amount of residential recreational space, would require the use of the roof as is currently proposed.

8. Although the building height limit within an R-5-C District is ninety feet, the requirements of the Height of Buildings Act limits the height of buildings in residential districts to the width of the street less ten feet. The current width of 12th Street is eighty-five feet, which under the statutory requirements limits the building's height to seventy-five feet, which is more restrictive than the Urban Renewal Plan. Under this restriction, any roof-top uses which call for habitable space, such as the facilities to serve the proposed recreational uses, are prohibited. The establishment of roof-top recreational facilities for the building's tenants would only be possible with the recommended zoning change. The requested SP-2 District would permit these facilities to be located on the roof and still be within the

building height limitations imposed by the Height of Buildings Act.

9. The requested SP-2 zoning district would, in conjunction with the controls of the Urban Renewal Plan, permit development of an elevator apartment building and the provision of recreational amenities on the roof which are not possible under the current zoning classification. The zoning change, which would allow recreational amenities on the roof, would not permit an increase in the intensity of development because the maximum FAR allowed under the Renewal Plan would remain at 3.5. Although the allowable height of building would increase to 90 feet, the proposed height on Disposition Lot 10 would remain at 75 feet because of FAR restrictions. With rezoning, however, the developers would be permitted to construct on the roof those recreational facilities which provide an important amenity to the residents of the building. From the standpoint of overall development, therefore, the provision of recreational facilities are reasonable adjuncts to the market-rate housing to be built under this proposal.

10. The property across the alley to the south and west of the subject property site is zoned SP-2. The property across N Street to the north and 12th Street to the east is zoned R-5-C. Rezoning of the subject property to SP-2 would be consistent with the overall zoning pattern in the area, and would result in more than ninety-five per cent of the square being zoned SP-2.

11. The area in which the site is located, is predominantly residential. Across the street from the site along 12th and N Streets are rowhouses. Some rowhouses on 12th Street have been restored. However, the rowhouses on N Street are present vacant and in need of considerable repairs. The site is located in the vicinity of Logan Circle, which is now experiencing increased real estate activity. The eight story building at the corner of 13th and M Streets in the same square of the subject site is in the process of being renovated.

12. The Office of Planning and Development (OPD), by memorandum dated August 21, 1979 and by testimony presented at the public hearing, recommended approval of the application. The OPD stated that SP-2 zoning on the site will be consistent with the existing zoning in the major portion of the square in which the site is located and will implement the provisions of the Urban Renewal Plan. The proposed SP-2 zoning will provide the needed flexibility in design and use that will enhance the quality of development on the site without altering the character of the area. The residential use of the site will be dictated by the provisions of the Urban Renewal Plan. The Commission concurs in the findings and conclusions of the OPD.

13. The Department of Transportation, via conversation with the OPD staff, indicated that the street system in the area is adequate to accommodate the traffic generated by the proposed development on the site. Excellent mass transportation facilities are available in the vicinity of the site. The provision of 1.2 off-street parking spaces for each dwelling unit in the underground garage will prevent any additional street parking problems because of the new use. The entrance to the garage will be in the middle of the block along N Street and will not obstruct the north-south traffic flow on 12th and 13th Streets, N.W. The Commission concurs with the findings of the Department of Transportation.

14. Advisory Neighborhood Commission 2C in which the property is located, did not submit a written report to the Commission in this case.

15. The application was referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act, and the National Capital Planning Commission reported that the change in Zoning is in conformance with the Urban Renewal Plan for the Shaw School Urban Renewal Area and will not have a negative impact on the interests or functions of the Federal Establishment in the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to SP-2 is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797), by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to SP-2 will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to SP-2 will not have an adverse impact on the surrounding neighborhood.
4. Rezoning to SP-2 is consistent with the Shaw School Urban Renewal Plan.

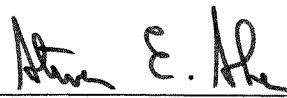
DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders APPROVAL of following action:

Change from R-5-C to SP-2 on Lots 23,24,25,39,814 thru 819, 830,831,821,822,823, and 835 in Square 281.

Vote of the Commission taken at the public hearing held on August 27, 1979: 3-0 (George M. White, John G. Parsons, and Walter B. Lewis to approve - Ruby B. McZier and Theodore F. Mariani, not present not voting)


RUBY B. MCZIER
Chair
Zoning Commission


STEVEN E. SHER
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on November 8, 1979 by a vote of 3-0 (Walter B. Lewis, John G. Parsons and Ruby B. McZier to adopt, Theodore F. Mariani and George M. White not present, not voting).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, the amendment of the Zoning Map is effective on

23 NOV 1979